

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LEO CASSIDY,

Case No. 1:21-cv-783

Plaintiff,

Black, J.

vs.

Bowman, M.J.

ADAMS COUNTY, et al.,

Defendants.

REPORT AND RECOMMENDATION

On January 21, 2022, the Court Ordered Plaintiff to show cause, in writing, by February 22, 2022, why Defendants Adams County, Adams County Prosecutor and Defendant Judge Brett Spencer's motions to dismiss (Docs. 2, 7) should not be construed as unopposed and granted for the reasons stated. To date, Plaintiff has not filed a response in opposition to Defendants' motions to dismiss nor has he responded to the pending Show Cause Order.

Plaintiff's failure to prosecute this matter and to obey an Order of the Court warrants dismissal of this case pursuant to Fed.R.Civ.P. 41(b). *See Jourdan v. Jabe*, 951 F.2d 108, 109–10 (6th Cir.1991). District courts have the power to *sua sponte* dismiss civil actions for want of prosecution to “manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630–31, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962). *See also Jourdan*, 951 F.2d at 109. Though plaintiff is proceeding pro se, as stated by the Supreme Court, “we have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse

mistakes by those who proceed without counsel.” *McNeil v. United States*, 508 U.S. 106, 113 (1993).

Accordingly, **IT IS RECOMMENDED THAT** Defendants’ motions to dismiss (Docs. 2, 7) be **GRANTED**, and Plaintiff’s complaint be **DISMISSED** for the reasons stated in the pending motion. In addition, Plaintiff’s claims against these Defendants should be dismissed based upon Plaintiff’s failure to comply with the Court’s “show cause” order and failure to prosecute this matter.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).